

MEMO ENDORSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MERIT CAPITAL GROUP, LLC,

Plaintiff,

-against-

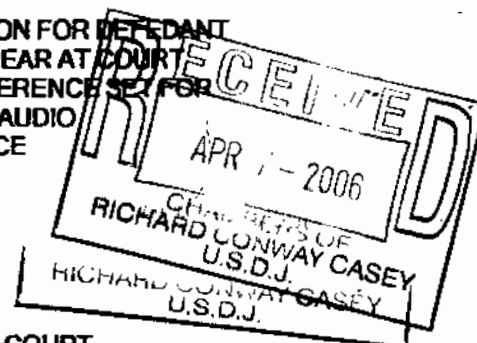
TRIO INDUSTRIES MANAGEMENT, LLC,
TRIO INDUSTRIES HOLDINGS, LLC,
EVAN R. DANIELS AND ROBERT E.
GYEMANT,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4-7-06

Civil Action no. 04 CV 7690 (RCC) (RLE)

NOTICE OF MOTION FOR DEFENDANT
DANIELS TO APPEAR AT COURT
PRE-TRIAL CONFERENCE SET FOR
MAY 30, 2006 VIA AUDIO
TELECONFERENCE



MOTION ALLOWING DEFENDANT DANIELS TO BE HEARD AT COURT
CONFERENCE ON MAY 30, 2006 VIA AUDIO CONFERENCE:

I. BACKGROUND FACTS

The above litigation is brought on by CEO Gyemant's unwillingness to pay Plaintiff the monies owed to them. Defendant Daniels does not want to cause any undue burden upon the court, but Defendant Daniels is not currently working and does not have the monies to travel to appear in front of the Honorable Judge Richard C. Casey. Defendant Daniels must continue to represent himself as Pro Se in the above matter. As previously mentioned in the last motion to be heard at court conference via audio conference, the facts still remain the same. Defendant Daniels has had to short sale his home and received no monies from the sale which took place on February 1, 2006. Daniels is currently renting an apartment. Daniels is being forced to litigate in a venue other than Dallas, which is different than Daniels current dwelling city. Daniels is being forced by monetary circumstances to appear in front of this court Pro Se, which again seriously disadvantages Daniels from mounting a proper defense at such a late date.

Defendant Daniels believes that he has been granted permission by the Honorable Judge Richard C. Casey to appear in front of the Honorable Magistrate Judge Ronald L. Ellis for a pretrial conference via audio telephone. Defendant Daniels wishes to ask the court to reconfirm this permission in writing as to relieve any doubt in Defendant Daniels mind as to his memory of the events on March 10, 2006 telephone conference. Therefore, Defendant Daniels will send this request faxed to the court for the Honorable Judge Richard C. Casey review of this request.

II.
DEFENDANT DANIELS IS ASKING FOR AN
AUDIO TELECONFERENCE ON MAY 30, 2006 @ 10:30 AM.

(before Judge Casey in courtroom 14C)

The next conference in this matter is
hereby scheduled for Friday, May 26, 2006 Respectfully submitted,
at 10:30 Am. Mr. Daniels may
appear by telephone at the next
conference. So ordered.

Evan R. Daniels
Pro Se

Richard Conway Casey

April 7, 2006